

**STATE OF RHODE ISLAND  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

**PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to repeal the following DCYF rule:

**EDUCATION: INDIVIDUALIZED EDUCATION PROGRAM (IEP)**

This rule is being repealed because it is addressed in other existing or proposed new rules.

In the repeal of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This repealed rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401-528-3685). Interested persons should submit data, views or written comments by July 26, 2010 to Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 ([Susan.Bowler@dcyf.ri.gov](mailto:Susan.Bowler@dcyf.ri.gov)).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

## ~~Education: The Individualized Education Program (IEP)~~

~~Rhode Island Department of Children, Youth, and Families  
Division of Juvenile Correctional Services: Training School and Detention Center~~

~~Policy: 1200.1732~~

~~Effective Date: June 14, 2004 Version: 1~~

~~The Education Program recognizes that the Individualized Education Program (IEP) is the cornerstone of the Individuals with Disabilities Education Act (IDEA), which ensures educational opportunity for students with disabilities. The IEP is a contractual agreement to guide, orchestrate, and document specially designed instruction for each student with a disability based on his or her unique academic, social and behavioral needs.~~

~~The Education Program complies with all requirements of the IDEA regarding the development and implementation of the Individualized Education Program. The IEP is developed or reviewed at a team meeting within thirty (30) days of admission and is reviewed at subsequent bi-monthly team meetings. The IEP must be reviewed by the complete IEP team at least once per year and revised, as needed.~~

~~Related Procedures...~~

~~Education: The Individualized Education Program (IEP)~~

## ~~Education: The Individualized Education Program (IEP)~~

### ~~Procedure from Policy 1200.1732: The Individualized Education Program (IEP)~~

- ~~A. A relationship exists between the IEP and classroom activities. Each student's present level of performance serves as the basis for the IEP annual goals and objectives. This basic link between the student's needs and his or her program represents the very essence of special education and specially designed instruction.~~
- ~~B. Teachers make every effort to ensure that each annual goal and short-term objective is directly related to the statement of the student's present level of performance.~~
- ~~C. The IEP contains goals and objectives for all areas in which the student cannot substantially benefit from the regular education program, including related services.~~
- ~~D. In planning an intervention, the IEP team takes into account the student's current skill level, the teacher's skill, the resources, and the likelihood that the intervention will be implemented. This last factor often depends upon the following:~~
- ~~1. Effectiveness of the intervention;~~
  - ~~2. The length of time and skill required for the intervention; and~~
  - ~~3. The significance of the student's needs.~~
- ~~E. The following participants are involved in the IEP meeting:~~
- ~~1. The student's parents or advocate/legal guardian.~~
  - ~~2. At least one regular education teacher of the student (if the youth is or may be participating in a regular education environment).~~
  - ~~3. At least one special education teacher of the student or, if appropriate, at least one special education provider of the student.~~
  - ~~4. A qualified representative of the LEA.~~
  - ~~5. An individual who can interpret the institutional implications of evaluation results.~~
  - ~~6. Others (at the discretion of the parents or the Education Program) who have knowledge or special expertise regarding the youth, including related service personnel as appropriate. This category also could, at the discretion of the parents or the agency, include persons such as probation officers, institutional staff, or other service providers with knowledge or special expertise regarding the youth.~~
  - ~~7. The student with a disability (if appropriate).~~
- ~~F. In developing the IEP, the IEP team considers, among other factors, the student's present levels of educational performance, his or her special education needs, the services to be delivered, objectives to be met, timelines for completion, and assessment of progress. IDEA requires each IEP plan to include the following basic elements:~~
- ~~1. A statement of the child's present levels of educational performance.~~
  - ~~2. How the child's disability affects his or her involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled students).~~
  - ~~3. A statement of measurable annual goals, including benchmarks or short-term objectives, related to:~~
    - ~~a. Meeting the student's needs that result from his or her disability to enable the student to be involved in and progress in the general curriculum.~~
    - ~~b. Meeting each of the student's other educational needs that result from his or her disability.~~
    - ~~c. A statement of the special education and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a~~

statement of the program modifications or supports for school personnel that will be provided for the student to:

- ~~i. Advance appropriately toward attaining goals.~~
  - ~~ii. Be involved and progress in the general curriculum and participate in extracurricular and other nonacademic activities.~~
  - ~~iii. Be educated and participate with other students with disabilities and non-disabled students in the activities described above.~~
- ~~4. An explanation of the extent, if any, to which the student will not participate with non-disabled youth in the regular class and in extracurricular and other nonacademic activities.~~
  - ~~5. A statement of any individual modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the student to participate in the assessment. If the IEP team determines that the student will not participate in a particular state or district-wide assessment of student achievement (or part of an assessment), a statement of why that assessment is not appropriate for the student and how the student will be assessed is needed.~~
  - ~~6. A projected date for the beginning of services and modifications and the anticipated frequency, location, and duration of these services and modifications.~~
  - ~~7. A statement of how the student's progress toward the annual goals will be measured and how the student's parents and advocate will be regularly informed of their student's progress—at least as often as parents are informed of their non-disabled student's progress—toward the annual goals and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.~~

~~G. The IEP must also include:~~

- ~~1. A statement of transition service needs of the student that focuses on the student's courses of study (e.g., advanced placement courses, vocational education) if the youth involved is 14 years old (or younger if determined appropriate by the IEP team). The statement must be updated annually.~~
- ~~2. A statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages for transition services if the youth involved is 16 years old (or younger if determined appropriate by the IEP team).~~

~~H. Transition services are incorporated to assist youth in moving from school to post-school activities. These services should include postsecondary education, vocational training, employment (including supported employment), continuing and adult education, specific adult services, independent living, and community participation.~~

~~I. When the purpose of the IEP meeting is consideration of the student's transition service needs, the youth must be invited to the IEP meeting. The meeting addresses:~~

- ~~1. Behavior that impedes his or her learning or that of others.~~
- ~~2. Needs of English Language Learners as those needs relate to the IEP.~~
- ~~3. Instructional modifications for blind or visually impaired and deaf or hard of hearing students.~~
- ~~4. Needs for assistive technology devices and services.~~

~~J. Staff must set specific timelines for each stage in the referral, evaluation, and IEP development process, as appropriate.~~